

Variance Application



41 Perimeter Center East | Dunwoody, GA 30346
Phone: (678) 382-6800 | Fax: (770) 396-4828

If for any reason you cannot meet all the standards and regulations of the Code of Ordinances, you may be entitled to present a request for a Variance before the Dunwoody Zoning Board of Appeals (ZBA). A Variance is a relaxation of the strict terms of the Zoning/Land Development/Sign Ordinances (such as building setbacks, number of parking spaces or other regulations) for a specific property to permit construction or use in a manner that would otherwise be prohibited because of the particular physical surroundings, shape or topographical conditions.

You will need to complete and submit your Variance Application by the 1st Thursday of the month in order for the Variance request to be heard at the next available scheduled meeting. The Zoning Board of Appeals meets the first Thursday of each month at 7:00 p.m. in the Dunwoody City Hall, located at 41 Perimeter Center East, Dunwoody, GA 30346. See the attached ZBA calendar for deadline dates and the Variance Checklist for complete application requirements.

You must present your request to the Board in the form of a hardship that you will experience if the strict application of the zoning regulation is enforced. The process is very similar to the Zoning process, and when granting a Variance, the Zoning Board of Appeals may impose requirements and conditions to protect adjacent properties and the public interest. Any application for a Variance must be supported by written verification pursuant to the questions listed on the Variance application checklist, attached.

Some aspects of development are not allowed to be varied, including requests that would:

- Allow a structure or use not authorized in the subject zoning district or a residential density of development that is not authorized within the subject district;
- Allow an increase in maximum building height;
- Waive, vary, modify or otherwise override a site plan or condition of approval attached to an amendment, special land use permit or other development approval under this zoning ordinance;
- Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council;
- Reduce, waive or modify in any manner the minimum lot area established for any use permitted by special land use permit or by special exception;
- Permit the expansion or enlargement of any nonconforming use;
- Permit the reestablishment of any nonconforming use that has been abandoned or lost its nonconforming rights;
- Vary the home occupation regulations;
- Increase the density allowed on the property;
- Vary the requirements set forth in Section 16-226, Lots; or
- Grant a variance to allow a greater number of signs than would be allowed if the hardship did not exist.

Variance Application Checklist



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Variance Application Requirements:

- Completed Variance Application (with all relevant information to your case).
- **Electronic version of the entirety of your application submittal, saved as a single PDF.**
- Site plan.
- Signed and notarized affidavits of all property owners. Use separate sheet.
- Signed Campaign Disclosure Statement.
- Written legal description of the property.
- Application/advertising sign payment.
- **Letter of Intent for Zoning Variances (Chapter 27):** Please describe your situation and how your variance request is a result of **all** of the following conditions:
 - 1) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;
 - 2) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located;
 - 3) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located;
 - 4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship;
 - 5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text; and
 - 6) How although economic considerations may be taken into *consideration* as a hardship, they are **not**, of themselves, be the *sole criteria* upon which the applicant seeks this variance.
- **Letter of Intent for Sign Variances (Chapter 20):** Please describe your situation and how your variance request is a result of **all** of the following conditions:
 - 1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
 - 2) Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
 - a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
 - b. Such visibility obstruction was not created by the owner of the subject property; and
 - c. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. No variance shall transfer to a new owner or occupant of the property.

- **Letter of Intent for Land Development Variances (Chapter 16):** Please describe your situation and how your variance request is a result of all of the following conditions:
 1. By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of Article 14 would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;
 2. By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;
 3. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;
 4. The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and
 5. The requested variances will not in any manner vary the provisions of the city zoning ordinance, the city comprehensive plan or the zoning map of the city.
- **Letter of Intent for Steam Buffer Variances (Chapter 16):** Please describe your situation and how your variance request is a result of all of the following conditions:
 - 1) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;
 - 2) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located;
 - 3) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located;
 - 4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship;
 - 5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text; and
 - 6) How although economic considerations may be taken into *consideration* as a hardship, they are **not**, of themselves, be the *sole criteria* upon which the applicant seeks this variance.
 - Address, in your letter of intent, each of the following **stream protection criteria** and your plans to implement best management practices:
 - 1) Stream bank or soil stabilization;
 - 2) Trapping of sediment in surface runoff;
 - 3) Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;
 - 4) Terrestrial habitat, food chain, and migration corridor;
 - 5) Buffering of flood flows;
 - 6) Infiltration of surface runoff;
 - 7) Noise and visual buffers;
 - 8) Downstream water quality;
 - 9) Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.

VARIANCE APPLICATION



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Project #: _____ Date Received: _____

*** Type:**

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 20-Signs ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

*** Project:**

Name of Project / Subdivision: _____ Zoning: _____

Property Address / Location: _____

District: _____ Land Lot: _____ Block: _____ Property ID: _____

*** Owner Information:**

Owner's Name: _____

Owner's Address: _____

Phone: _____ Fax: _____ Email: _____

*** Applicant Information:** ☐ Check here if same as Property Owner

Contact Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

*** Terms & Conditions:**

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: _____

Applicant's Signature: _____ Date: _____

*** Notary:**

Sworn to and subscribed before me this _____ Day of _____, 20____

Notary Public: _____

Signature: _____

My Commission Expires: _____

*** Office Use:**

☐ Application Fee Paid ☐ Sign Fee Paid (\$135 x number of signs required) Fee: \$ _____

Payment: ☐ Cash ☐ Check ☐ CC Date: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _____

Property Owner(s) Notarized Certification



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The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

* Property Owner (If Applicable):

Owner Name: _____		
Signature: _____		Date: _____
Address: _____		
Phone: _____	Fax: _____	Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____		
Notary Public:		

* Property Owner (If Applicable):

Owner Name: _____		
Signature: _____		Date: _____
Address: _____		
Phone: _____	Fax: _____	Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____		
Notary Public:		

* Property Owner (If Applicable):

Owner Name: _____		
Signature: _____		Date: _____
Address: _____		
Phone: _____	Fax: _____	Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____		
Notary Public:		

Campaign Disclosure Ordinance



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Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

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Community
Development
Dunwoody *
* Smart people – Smart city

*** Applicant / Owner:**

[illegible]